

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

-----X  
UNITED STATES OF AMERICA

Plaintiff,

Criminal Action No. 06-76 (GMS)

v.

CHIAN SPIRIT MARITIME ENTERPRISES, INC.,  
VENETICO MARINE S.A., *et al.*

Defendants.  
-----X

**DEFENDANTS, CHIAN SPIRIT MARITIME ENTERPRISES, INC.  
AND VENETICO MARINE, S.A.'s, OBJECTIONS AND REQUEST FOR  
PRETRIAL RULINGS AS TO THE ADMISSIBILITY OF THE FOLLOWING  
PORTIONS OF THE RULE 15 DEPOSITION TESTIMONY OF  
MARIO MANZANILLA.**

COME NOW, moving defendants, Venetico Marine, S.A. ("Venetico") and Chian Spirit Maritime Enterprises, Inc. ("CSME")(collectively, "moving defendants"), who respectfully request that this Honorable Court consider and rule, before the voir dire of the jury panel, and out of the presence and hearing of the jury panel, as to the admissibility of the following Rule 15 deposition testimony by Mario Manzanilla, which the Government has stated it will seek to introduce at trial.<sup>1</sup>

Specifically, Moving Defendants object to the admissibility of the following deposition testimony by Mario Manzanilla, an unlicensed "wiper" from the M/V IRENE E., on the following grounds. For the Court's ready reference, a correct and true copy of the transcript of the Rule 15 deposition of Mr. Manzanilla, conducted at the office of the

<sup>1</sup> For the Court's ready reference, Moving Defendants advise that in order to facilitate the deposition process, counsel for all parties agreed to expressly reserve making objections during the examination.

United States Attorney, 700 Nemours Building, 1007 Orange Street, Wilmington, Delaware, on Tuesday, July 18, 2006, is attached hereto as Exhibit "A".

**Mario Manzanilla (Wiper)**

As a preliminary matter, Moving Defendants respectfully advise the Court that, during his Rule 15 deposition examination, Mr. Manzanilla clearly, concisely and unambiguously testified that he, personally, never worked on and/or worked with any licensed marine engineers aboard the M/V IRENE E.M. with respect to use and/or operation of the oily water separator equipment.

In relevant part, and as the Court will note, Mr. Manzanilla testified, *inter alia*, to the following:

*Q Now, I'd like to talk a little bit about what you do on board the ship Mr. Manzanilla. You're not a licensed engineer; right?*

*A No, sir.*

*Q You don't hold a license as an engineer?*

*A No, sir. I'm just an oiler and a wiper.*

*Q Okay. And on board the Irene E.M., you weren't working as an oiler, right?*

*A No, I am a wiper.*

*Q Okay. So when you were on the Irene E.M., you were hired to work as a wiper; right?*

*A Yes, sir.*

*Q And is it fair to say that a wiper is the lowest-ranking member of the engine room team?*

*A Yes, sir.*

*Q Now, let's talk about the oily water separator. The oily water separator is operated by the engineers; right?*

*A Yes, sir.*

*Q You don't operate the oily water separator?*

*A No, sir. I'm only an oiler. Only the oiler<sup>2</sup> uses it.*

*Q Okay. So that the answer is clear, you would agree with me that you don't operate the oily water separator?*

*A No, sir.*

*Q And you don't have any responsibility to maintain the oily water separator, do you?*

---

<sup>2</sup> Undersigned counsel respectfully submits that this is a transcription error, as the witness testified, and the transcript should read: "No sir. I'm only an oiler. Only the engineers use it."

*A No, sir. Just the main engine is what I'm entail.*

*Q Mr. Manzanilla, yes or no: You don't have any --*

*A No, sir. No, sir.*

*Q Okay. Let me finish my question. Mr. Manzanilla, you would agree with me that you don't have any responsibility to maintain the oily water separator?*

*A No sir.*

*Q So that means you agree with me, yes?*

*A Yes, sir.*

*Q It's also a correct statement that you don't have any responsibility to repair the oily water separator?*

*A Yes, sir.*

*Q You don't make the decision to use the oily water separator if it's being used, do you?*

*A No, sir.*

*Q And you don't make the decision not to use it if the chief engineer decides not to use it; correct?*

*A Yes, sir.*

*Q So all questions Mr. Phillips asked you about the oily water separator, you would agree, were questions about a piece of equipment that you don't have any reason to operate, no reason to maintain, no reason to repair, and no reason to ever use; right?*

*A Yes, sir.*

*Q So everything you know about the oily water separator is based on something someone else told you; right?*

*A Yes sir.*

*See Exhibit "A," Transcript at page 30/line 12 through page 33/line 3.*

On cross-examination, Mr. Manzanilla further testified to the following:

*Q Okay. Now, you're not authorized or qualified to report on the condition of the oily water separator . . . are you?*

*A No, sir. Yes, sir. No, sir.*

*Q Okay. So the answer to that would be no, you're not authorized or qualified; right?*

*A Yes, sir.*

*Q You agree with me?*

*A Yes sir?*

*See Exhibit "A," Transcript at page 46/lines 1 through 9.*

Additionally, Mr. Manzanilla testified that he never saw the purported "magic pipe" being used on board the M/V IRENE E.M, and that he never saw any oil or oily

wastes actually being discharged into the ocean. Specifically, Mr. Manzanilla testified, in relevant part, to the following during the Government's direct examination:

*Q Did you ever see the magic pipe being used during the voyage from Africa to Brazil?*

*A No sir.*

*Q You never saw it being used?*

*A No sir.*

*See Exhibit "A," Transcript at page 13/lines 13 through 17.*

Further in this regard, Mr. Manzanilla testified, during cross-examination, (and in relevant part), to the following:

*Q And now you yourself, in all the time that you were on board the ship, never turned on the pumps to pump anything overboard; right?*

*A No, sir.*

*Q Okay. Now, you yourself never turned off the pumps?*

*A No, sir.*

*Q Now, the whole time you were on board the ship, the captain never asked you to set up a magic pipe; right?*

*A No, sir.*

*Q And the companies, meaning the management company and the owning company, never asked you to set up a magic pipe?*

*A No, sir.*

*Q Okay. And Chief Engineer Dragomir never asked you to set up a magic pipe, right?*

*A No, sir.*

*Q And Second Engineer Villano, you know him, right?*

*A Yes, sir.*

*Q Okay. He never asked you to set up a magic pipe?*

*A No, sir.*

*Q In fact, no one asked you set up the magic pipe between Brazil and the United States.*

*A No, sir.*

*Q And in fact, the truth is, between Brazil and the United States, you never saw anything with your own eyes being discharged overboard?*

*A That's what I remember, that I didn't see anything.*

*See Exhibit "A," Transcript at page 37/line 4 through Page 38/line 16.*

In view of the foregoing testimony, Moving Defendants object to the introduction of the following testimony on the basis that it, *inter alia*, lacks foundation; calls for

speculation; and calls for answers which are strictly inadmissible hearsay. Additionally, Moving Defendants object on the grounds that the Government's questions on direct examination are inappropriately leading, assume facts not in evidence and if admitted, would be unfairly prejudicial, confusing and otherwise misleading to the finder of fact:

Page 6/line 23 - Page 7/line 2;  
Page 7/line 10 - Page 8/line 9;  
Page 12/line 20 - Page 13/line 12;  
Page 14/line 5 - Page 17/line 7;  
Page 18/line 24 - Page 21/line 4;  
Page 42/lines 18-21; and  
Page 42/line 23 - Page 43/line 21.

Additionally, Moving Defendants object to the admission of the following testing on the following grounds:

Page 10/line 2 - Page 12/line 8 (hearsay);  
Page 33/lines 4 - 21 (hearsay, relevance; lack of foundation; calls for speculation);  
Page 42/lines 3-8 (relevance);  
Page 43/line 23 - Page 45/5 (foundation; hearsay; calls for speculation; impermissibly goes beyond scope of direct and cross examination);  
Page 48/lines 1-13 (relevance and foundation); and  
Page 49/lines 6-24 (hearsay; relevance).

### CONCLUSION

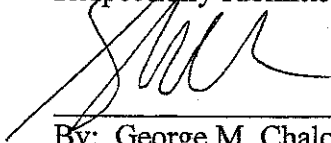
For the reasons more fully set forth above, Moving Defendants respectfully request that this Honorable Court issue an Order:

- (1) Granting Moving Defendants' application to exclude, either in its entirety or to the extent the Court finds just and proper, the foregoing objectionable

portions of the Rule 15 deposition testimony for the reasons more fully set forth above; and

- (2) For any and all such other and further relief which the Court deems to be just and proper under the specific circumstances of this matter.

Respectfully submitted,



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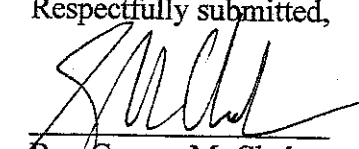
**CERTIFICATE OF SERVICE**

I do hereby certify that, on this 6th day of November 2006, I have served a copy of the foregoing pleading on counsel for all parties to this proceeding, by Email and by mailing the same by United States mail, properly addressed, and first-class postage prepaid to the following:

United States Department of Justice  
U.S. Attorney's Office  
Nemours Building  
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United States Department of Justice  
Environmental Crimes Section  
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L'Enfant Plaza Street  
Washington, D.C. 20026  
Attn: Gregory Linsin, Esq.  
Jeffrey Phillips, Esq.  
Tracy Katz, Esq.

Respectfully submitted,

  
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# **EXHIBIT A**



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATE OF AMERICA,

Plaintiff,

vs.

CHIAN SPIRIT MARITIME  
ENTERPRISES, INC., VENETICO  
MARINE S.A., IRENE E/M,  
EVANGELOS MADIAS, CHRISTOS  
PAGONES, ADRIEN DRAGOMIR,

Defendants.

:  
: No.  
: 1:06-CR-00076-GMS-2  
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Videotaped deposition of MARIO  
MANZANILLA, taken pursuant to notice before Gail  
Inghram Verbano, CSR, RMR, in the offices of United  
States Department of Justice, 700 Nemours Building,  
1007 Orange Street, Wilmington, Delaware, on Tuesday,  
July 18, 2006, beginning at approximately 3:24 p.m.

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2 (Pages 2 to 5)

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Page 4

## 1 APPEARANCES:

2 MARK W. KOTILA, ESQ.  
 3 JEFFREY L. PHILLIPS, ESQ.  
 4 United States Department of Justice  
 5 Environmental Crimes Section  
 6 P.O. Box 23985 - L'Enfant Plaza  
 7 Washington, DC 20026-3985  
 8 Attorneys for Plaintiff  
 9 GEORGE M. CHALOS, ESQ.  
 10 FOWLER, RODRIGUEZ & CHALOS  
 11 366 Main Street  
 12 Port Washington, NY 11050  
 13 Attorney for Defendants Chian Spirit  
 14 and Venetico Marine

15 CARL R. WOODWARD, III, ESQ.  
 16 CARELLA, BYRNE, BAIN, GILFILLAN,  
 17 CECCHI, STEWART & OLSTEIN  
 18 5 Becker Farm Road  
 19 Roseland, NJ 07068-1739  
 20 Attorney for Defendant Dragomir

## 24 ALSO PRESENT:

25 Chris Weiss, Videographer  
 26 Chris Masaoay, Tagalog Interpreter  
 27  
 28 Adrien Dragomir  
 29 Liviu-Lee Roth  
 30 Brent McKnight  
 31 Jason F. Burgess  
 32  
 33  
 34

1 MR. CHALOS: George Chalos,  
 2 Venetico Marine and Chian Spirit Maritime  
 3 Enterprises.

4 MR. WOODWARD: Carl Woodward on  
 5 behalf of Adrien Dragomir.

6 MR. TWERSKY: Michael Twersky on  
 7 behalf of the witness.

8 Will the court reporter please  
 9 administer the oaths.

10 (CHRIS MASAOAY was previously sworn  
 11 in as Tagalog-English interpreter.)

12 - - -  
 13 MARIO MANZANILLA, having first been  
 14 duly sworn through the interpreter according to law,  
 15 was examined and testified further as follows:  
 16 - - -

## 17 DIRECT EXAMINATION

18 BY MR. PHILLIPS:

19 Q Mr. Manzanilla, thank you for being here  
 20 today.

21 Could you tell the court, where are  
 22 you from, your hometown?

23 A Bacolod City, Negros, Occidental.

24 Q And how old are you?

3

Page 5

1 THE VIDEOGRAPHER: This is Chris  
 2 Weiss, the videographer, and the court reporter today  
 3 is Gail Verbano. We are both here from the firm of  
 4 Corbett & Wilcox, located at 230 North Market Street,  
 5 Wilmington, Delaware.

6 The time is 3:24 p.m. on Tuesday,  
 7 July 18th, 2006. We are documenting the videotaped  
 8 deposition of Mario Manzanilla for the plaintiff in  
 9 the matter of United States of America versus Chian  
 10 Spirit Maritime Enterprises, Inc., Venetico Marine,  
 11 Irene E.M., Evangelos Madias, Christos Pagones,  
 12 Adrien Dragomir in the United States District Court,  
 13 District of Delaware.

14 We are at the location of the  
 15 United States Attorney's office, Nemours Building,  
 16 1007 North Orange Street, Suite 700, Wilmington,  
 17 Delaware.

18 Will the attorneys please state  
 19 their appearance for the record.

20 MR. PHILLIPS: Jeff Phillips, U.S.  
 21 Government.

22 MR. KOTILA: United States  
 23 Government -- I mean Mark Kotila, United States  
 24 Government.

1 A 35.

2 Q And what is your occupation?

3 A Seaman.

4 Q And where do you normally work?

5 A In the engine.

6 Q As a seaman, I assume you work on ships?

7 A Yes, sir.

8 Q How many ships have you worked on?

9 A Eight, sir.

10 Q Including the last one?

11 A Yes, sir.

12 Q And what kind of work do you do in the  
 13 engine?

14 A Cleaning the main engine, throwing  
 15 garbage, assisting for the oilers and the officers.

16 Q And assisting the oilers and officers, do  
 17 you ever work on an oily water separator?

18 A No, sir.

19 Q Do you know what an oily water separator  
 20 is?

21 A Yes, sir.

22 Q Okay. How do you know what an oily water  
 23 separator is?

24 A The previous ships that I have boarded

3 (Pages 6 to 9)

Page 6	Page 8
<p>1 in, I saw them operating it. 2 Q Okay. And when you say you saw them, 3 describe what you saw. 4 MR. CHALOS: Objection. 5 THE WITNESS: Sir, there is a pump, 6 a suction coming from the bilge tank, and the bilge 7 tank going into the overboard. 8 BY MR. PHILLIPS: 9 Q Okay. And going from the bilge tank 10 overboard, but you didn't say where the oily water 11 separator was. 12 A It was in the main engine after Pick. 13 Q Okay. Now, when were you hired -- or 14 were you ever hired to work on the Irene? 15 A Yes, sir. 16 Q Do you remember when? 17 A November 2004. 18 Q And where did you board the Irene? 19 A China, at the port of Lian Yun Gang. 20 Q And when you boarded the Irene, did you 21 observe if the Irene had an oily water separator? 22 A Yes, there is. I saw one. 23 Q Did you observe if it worked? 24 A When I boarded the ship, the separator</p>	<p>1 BY MR. PHILLIPS: 2 Q Go ahead. 3 A -- the bilge pump -- that's the only one 4 that they had fixed. And then we had a collision in 5 Hong Kong, because we didn't have a radar. 6 MR. CHALOS: Objection; move to 7 strike the portion of the answer nonresponsive to the 8 question. 9 BY MR. PHILLIPS: 10 Q Did you eventually come to port in 11 Africa? 12 A What do you mean by that? 13 Q After China, did the Irene go back on the 14 sea? 15 A We went back again for a dry dock, 16 because there was a hold. 17 Q And then what? 18 A So when it went to the dry dock, it got 19 fixed. And then we went into another travel going to 20 Thailand. 21 Q Did you eventually get to Africa? 22 A After Thailand, we went to Africa for 23 discharging. 24 Q What do you mean?</p>
Page 7	Page 9
<p>1 was not working, the bilge pump was not in order, and 2 the ship was in critical condition. 3 Q Where did it go from the port you boarded 4 it? What was the next port? 5 A Guangzhou port for dry dock. 6 Q Did you stay with the ship while it was 7 in dry dock? 8 A Yes. For two months, I was working 9 there. 10 Q Did you observe the oil/water separator 11 while it was at dry dock? 12 MR. CHALOS: Objection. 13 THE WITNESS: The separator was not 14 working, and so we had to use an invincible pump to 15 pump overboard. 16 BY MR. PHILLIPS: 17 Q And then what happened after the dry 18 dock? 19 A We left. We went to Hong Kong. But we 20 were not using that separator at that time. It was 21 not working. 22 MR. CHALOS: Objection; move to 23 strike. 24 THE WITNESS: And then --</p>	<p>1 A We went to get some loading in Thailand, 2 and so then we went to Africa to discharge. 3 Q To discharge what you -- what the ship 4 carried? 5 A Yes. It was rice. 6 Q Rice. Okay. 7 And when you were in Africa, do you 8 remember what time that was? Month? year? 9 A Africa, I don't remember that month. 10 Q Do you remember the year? 11 A 2005. 2005. 12 Q Do you remember where you went from 13 Africa? From Africa, the next port? 14 A Brazil. 15 Q Do you remember which month you arrived 16 in Brazil? 17 A I don't remember. I think January -- no, 18 no, wait. 19 We came in November -- I think 20 October, like this. October. 21 Q Okay. On board -- when you were in 22 Africa, who was your chief engineer; do you know? 23 A Tomondong, the chief engineer before. 24 Q Before what?</p>

4 (Pages 10 to 13)

Page 10

1 A Before the Chief Engineer Dragomir.  
 2 Q And did you ever talk to Chief Engineer  
 3 Tomondong?  
 4 A Yes. We worked together for quite some  
 5 time.  
 6 Q Did he ever give you orders?  
 7 A Yes. Yes, sir.  
 8 Q Do you recall any orders he gave you?  
 9 A Yes, sir.  
 10 Q Tell us.  
 11 A He ordered me to pick out the hard pipe,  
 12 the original pipes of the bilge pump overboard, the  
 13 line for overboard; to take out and change the magic  
 14 pipe.  
 15 Q What is the magic pipe?  
 16 A Here, sir.  
 17 MR. PHILLIPS: For the record, the  
 18 witness pointed out Government Exhibit 2.  
 19 THE WITNESS: The flange.  
 20 MR. PHILLIPS: And also the flange,  
 21 as Government Exhibit 3.  
 22 THE WITNESS: (In English) The  
 23 second engineer who fixed this one --  
 24 A The second engineer who fixed this one --

Page 11

1 THE WITNESS: (In English) And  
 2 this, also.  
 3 THE WITNESS: And this also, this  
 4 one.  
 5 MR. PHILLIPS: And we'll get to  
 6 that.  
 7 MR. TWERSKY: I just want to advise  
 8 the witness to speak through the interpreter.  
 9 THE WITNESS: (In English) Sorry,  
 10 sorry, sorry.  
 11 BY MR. PHILLIPS:  
 12 Q And so what did you do?  
 13 A He asked me to get the original piece of  
 14 pipe. He asked me to hide it. And then together  
 15 with the fourth engineer, the previous one and the  
 16 oiler, that we should take it out and then change it  
 17 to this.  
 18 Q Why do you call it a magic pipe?  
 19 A Because -- because quickly, you can put  
 20 it out and quickly you can hide it away.  
 21 Q When -- did you ever hide it away?  
 22 A This particular one, no. But the  
 23 original one, yes. I was the one that hid it. I was  
 24 also the one that gave to the Coast Guard the

Page 12

1 location of where it was hidden.  
 2 Q Okay. Who asked you to hide it?  
 3 MR. CHALOS: Objection.  
 4 BY MR. PHILLIPS:  
 5 Q Did anyone ask you to hide it?  
 6 A The previous chief engineer, Tomondong.  
 7 Q He asked you to hide which pipe?  
 8 A The original, the hard pipe.  
 9 Q Okay. Now, you eventually came to the  
 10 United States?  
 11 A Yes.  
 12 Q When did you know -- did you know you  
 13 were coming to the United States before you arrived?  
 14 A Yes, sir, in Africa.  
 15 Q How did you find out?  
 16 A Because that was the news from the  
 17 Superintendent Tanasi and the captain.  
 18 Q Superintendent Tomasi?  
 19 A Tanasi.  
 20 Q Tanasi.  
 21 On the trip from Africa to Brazil,  
 22 after you hooked on the magic pipe, did you -- did  
 23 you observe the magic pipe during the voyage?  
 24 MR. WOODWARD: Sorry. Context?

Page 13

1 THE WITNESS: Yes, it was fixed.  
 2 MR. WOODWARD: Where -- which  
 3 voyage?  
 4 MR. PHILLIPS: This is from Africa  
 5 to Brazil.  
 6 MR. CHALOS: Yeah, but when was it?  
 7 There was two of those.  
 8 MR. PHILLIPS: Two voyages from  
 9 Africa to Brazil? He didn't say that.  
 10 MR. CHALOS: I know, but you're  
 11 presupposing a predicate.  
 12 BY MR. PHILLIPS:  
 13 Q Did you ever see the magic pipe being  
 14 used during the voyage from Africa to Brazil?  
 15 A No, sir.  
 16 Q You never saw it being used?  
 17 A No, sir.  
 18 Q Did you ever see the pump working?  
 19 A What kind of pump?  
 20 Q From Africa to Brazil --  
 21 A What kind of, separator or bilge pump?  
 22 Q The bilge pump.  
 23 A Yes, I saw it.  
 24 Q What did you see?

Page 14

1 A It was working. It was working.  
 2 Q What was the bilge pump connected to?  
 3 A It's connected to the bilge tank, the  
 4 bilge pump -- the bilge well and sludge tank.  
 5 Q And where would the pumping -- where  
 6 would the liquid go?  
 7 MR. CHALOS: Objection.  
 8 THE WITNESS: Outside.  
 9 BY MR. PHILLIPS:  
 10 Q How would it get outside?  
 11 A Because of the use of this magic pipe --  
 12 MR. CHALOS: Objection.  
 13 THE WITNESS: -- going overboard.  
 14 BY MR. PHILLIPS:  
 15 Q How many times would you see that?  
 16 MR. WOODWARD: Objection; context  
 17 Time?  
 18 MR. KOTILA: When?  
 19 THE WITNESS: About three times I  
 20 saw it.  
 21 BY MR. PHILLIPS:  
 22 Q Three times from the trip -- from Africa  
 23 to Brazil?  
 24 MR. WOODWARD: Wait a minute.

Page 15

1 There's been no foundation for that.  
 2 MR. CHALOS: Objection. Objection.  
 3 MR. PHILLIPS: That was the  
 4 original foundation.  
 5 MR. CHALOS: The guy said --  
 6 MR. WOODWARD: You're going far  
 7 beyond that.  
 8 THE WITNESS: From Africa, yes.  
 9 MR. CHALOS: Wait a minute. Hold  
 10 on a second.  
 11 When he testified, you asked if he  
 12 saw a pump between Africa and Brazil; and then he  
 13 said that it was working. Then you asked him where  
 14 it was connected, and then you asked him --  
 15 MR. PHILLIPS: No. Then he asked  
 16 if it was a oil/water separator or if it was a bilge  
 17 pump.  
 18 MR. CHALOS: No, that's not what  
 19 the testimony has been.  
 20 MR. PHILLIPS: That was the  
 21 testimony.  
 22 MR. CHALOS: You led this guy right  
 23 down the path and based on testimony that we've never  
 24 had from this witness.

Page 16

1 MR. PHILLIPS: Okay.  
 2 MR. CHALOS: Can we have that read  
 3 back. Starting with you saw the bilge pump --  
 4 (Discussion off the stenograph  
 5 record with the court reporter  
 6 MR. CHALOS: The question and  
 7 answer said -- you asked him --  
 8 MR. PHILLIPS: The question is did  
 9 he talk about a bilge pump before that question?  
 10 MR. CHALOS: You asked him if he  
 11 saw -- if you saw a magic pipe between Africa and  
 12 Brazil; and he said no. Then you asked -- him the  
 13 next question was whether he ever saw the pumps being  
 14 used.  
 15 MR. PHILLIPS: He obviously didn't  
 16 get the question --  
 17 MR. CHALOS: Well, then --  
 18 MR. PHILLIPS: -- because then he  
 19 said he saw it.  
 20 MR. CHALOS: Okay. Well, if he  
 21 didn't get the question, that doesn't mean you can  
 22 just assume that he made a mistake.  
 23 MR. PHILLIPS: Well, he brought it  
 24 out when his gave his full explanation.

Page 17

1 MR. CHALOS: I don't think so.  
 2 MR. PHILLIPS: So where are we?  
 3 If you could show me the last thing  
 4 we worked on.  
 5 (Discussion off the stenograph  
 6 record with the court reporter.)  
 7 BY MR. PHILLIPS:  
 8 Q Do you remember arriving to the United  
 9 States?  
 10 A Yes, sir.  
 11 Q And can you describe what happened when  
 12 you got to the United States.  
 13 A The Coast Guard boarded the vessel.  
 14 Q And then what happened?  
 15 A And then they checked the engine room.  
 16 The second engineer, myself and the chief engineer,  
 17 we checked the pumps and tanks, and that's it.  
 18 Q Did you ever talk to the Coast Guard?  
 19 A No, no.  
 20 Q Did you ever write a statement?  
 21 A Yes, sir.  
 22 Q And did anybody else come on board?  
 23 A The superintendent.  
 24 Q Do you remember his name?



6 (Pages 18 to 21)

Page 18

Page 20

1 A Yes, Christos.  
2 Q And did you ever talk to him?  
3 A Yes, sir.  
4 Q And what did he say?  
5 A He told us that we should retract our  
6 statement, because if not, we would go to jail.  
7 Q Who is "us"?  
8 A The engineers that are with me working:  
9 The second engineer, the third engineer, the fourth  
10 engineer, and the oiler, Robert.  
11 Q And what did you say, if anything?  
12 A We told them -- we told him that we could  
13 not change it, because we had already done it, and  
14 what is contained there is the truth and so we cannot  
15 change it anymore; it's already there.  
16 Q And did you talk to him again?  
17 A When he talked to me again, before New  
18 Year's in the mess hall, when we were going down  
19 there, he said to us if we tell the truth, that's  
20 what we should do so that we don't go to jail.  
21 Q Now, how many months total were you on  
22 the Irene?  
23 A From what I remember, about 14 months.  
24 Q During that time, did the oil/water

1 MR. WOODWARD: During what period  
2 of time?  
3 MR. PHILLIPS: During his time on  
4 the ship.  
5 MR. WOODWARD: All 14 months?  
6 MR. PHILLIPS: That's right.  
7 MR. WOODWARD: How many times over  
8 14 months?  
9 MR. PHILLIPS: This is the  
10 question. I'm asking the question. If you're  
11 objecting, you can object.  
12 MR. WOODWARD: I'm objecting to the  
13 form of the question. I'm just trying to help you  
14 out.  
15 MR. PHILLIPS: No, you're not  
16 helping anybody out.  
17 THE INTERPRETER: There was a  
18 response there.  
19 MR. WOODWARD: Look, you don't want  
20 to put in the time, that's fine.  
21 MR. PHILLIPS: I'm asking about his  
22 entire time on the ship.  
23 MR. WOODWARD: Now you did, after  
24 you --

Page 19

Page 21

1 separator ever work?  
2 MR. CHALOS: Objection.  
3 MR. WOODWARD: Leading.  
4 THE WITNESS: No. You never use it  
5 since the very first time.  
6 BY MR. PHILLIPS:  
7 Q So how was oily waste handled on the  
8 Irene?  
9 MR. CHALOS: Objection; no  
10 foundation.  
11 MR. PHILLIPS: He's already said  
12 he's worked in the engine room.  
13 MR. CHALOS: Yeah. What so?  
14 THE WITNESS: They used the bilge  
15 pump to pump overboard.  
16 MR. CHALOS: One second. I'm  
17 working in the U.S. Attorney's office, but I'm not a  
18 government guy. Does that make him qualified?  
19 MR. PHILLIPS: No, but you know  
20 what attorneys do.  
21 MR. CHALOS: All right.  
22 BY MR. PHILLIPS:  
23 Q Okay. How often did you observe oil  
24 waste being discharged from the Irene?

1 MR. PHILLIPS: I already have.  
2 THE WITNESS: From what I remember,  
3 many times.  
4 BY MR. PHILLIPS:  
5 Q Let's start again, just so the record is  
6 clear.  
7 How many months were you on the  
8 ship?  
9 A About 14 months, sir.  
10 Q During that time, how often did you see  
11 overboard discharges?  
12 A Since the very beginning, I saw many  
13 times. I saw it, they would pump it out since even  
14 when Tomondong was there. He was the chief engineer.  
15 Q What about after Tomondong?  
16 A After Tomondong left, I don't exactly  
17 remember how many times they did the pump-out.  
18 Q So you don't remember how many times?  
19 A I don't remember exactly, but I believe  
20 maybe about three times.  
21 Q Three times in how long?  
22 A That I saw. Since coming from Brazil --  
23 coming from Brazil to America.  
24 MR. PHILLIPS: All right. The

7 (Pages 22 to 25)

Page 22

1 defense will have some questions for you.  
2 CROSS-EXAMINATION  
3 BY MR. CHALOS:  
4 Q Hi, Mr. Manzanilla. My name is George  
5 Chalos. And I represent Chian Spirit Maritime  
6 Enterprises and Venetico Marine in this proceeding.  
7 Now, you know that Venetico Marine  
8 is the company that owns the ship; right?  
9 A That I don't know. I only remember Chian  
10 Spirit.  
11 Q Okay. So you know that Chian Spirit is  
12 the operator or manager of the ship; right?  
13 A Yes, sir.  
14 Q Okay. Let's talk about how you got this  
15 job.  
16 You went to a crewing agent in the  
17 Philippines; right?  
18 A Yes, sir.  
19 Q And you submitted some paperwork looking  
20 for a job; right?  
21 A Yes, sir.  
22 Q And then the crewing agent offered you a  
23 job that you could either pick or not pick; right?  
24 A Yes, sir.

Page 23

1 Q And you picked to go to work on the  
2 Irene; right?  
3 A Yes, sir.  
4 Q And when you picked to go on board the  
5 Irene, you had to execute an employment contract;  
6 right?  
7 A Yes, sir.  
8 Q And when you did that, the job that you  
9 were signing up for was to be a wiper; right?  
10 A Yes, sir.  
11 MR. CHALOS: Could we mark a couple  
12 documents. Take a break and -- take three minutes to  
13 mark some documents.  
14 THE VIDEOGRAPHER: Off the record  
15 at 3:52.  
16 (Brief recess.)  
17 (Documents marked CSME Exhibits 29  
18 through 32 for identification.)  
19 THE VIDEOGRAPHER: On the record at  
20 3:57.  
21 BY MR. CHALOS:  
22 Q Mr. Manzanilla, I'm going to show you  
23 what we've marked as CSME Defendants' Exhibit No. 29.  
24 For the record, I'll make a representation that it's

Page 24

1 a five-page document. Take a look at that document.  
2 would you please, sir.  
3 My first question to you,  
4 Mr. Manzanilla, is that the first page and the  
5 employment contract you signed to go to work on the  
6 Irene E.M.; correct?  
7 A Yes, sir.  
8 Q And then the rest of the documents are  
9 also documents that you signed in connection with  
10 your application to work on the Irene E.M.; right?  
11 A Yes, sir.  
12 Q And take a look at the second page of  
13 that document, if you will. Now, that's a  
14 declaration that you signed before you joined the  
15 Irene E.M.; correct?  
16 A Yes, sir.  
17 Q And that is your signature on the bottom  
18 left-hand side; right?  
19 A Yes, sir.  
20 Q And in fact, before you were allowed to  
21 go to work on this ship, you had to go for some  
22 training; right?  
23 A Yes, sir.  
24 Q And in fact, you had to go to the office

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1 of your manning agent to learn about the company's  
2 policies; right?  
3 A Yes, sir.  
4 Q And some of that training involved  
5 learning about the company's safety management  
6 system; right?  
7 A Yes, sir.  
8 Q And the company's environmental  
9 protection policy; right?  
10 A Yes, sir.  
11 Q And you also learned that if you were in  
12 violation of the company's policies, you could be  
13 fired; right?  
14 A Yes, sir.  
15 MR. CHALOS: Okay. I'd like to  
16 move into evidence Defendants' Exhibit 29, which has  
17 been identified by the witness.  
18 MR. PHILLIPS: No objection.  
19 (Document marked Exhibit CSME 29  
20 moved into evidence.)  
21 BY MR. CHALOS:  
22 Q I want to show you what we've previously  
23 marked and I believe moved into evidence as  
24 Exhibit 7, Mr. Manzanilla. And take a look at that

8 (Pages 26 to 29)

Page 26	Page 28
<p>1 document.</p> <p>2 That is, in fact, a copy of the</p> <p>3 company's environmental protection policy; correct?</p> <p>4 A Yes, sir.</p> <p>5 Q Okay. Now, Mr. Manzanilla, that was</p> <p>6 available and posted in several places on board the</p> <p>7 ship, was it not?</p> <p>8 A Yes, sir.</p> <p>9 Q That was on the bulletin board in the</p> <p>10 engine room; right? Right?</p> <p>11 A Yes, sir. And in the mess hall.</p> <p>12 Q And also in the mess hall; right?</p> <p>13 A Yes, sir.</p> <p>14 Q And in the hallways; right?</p> <p>15 A Yes. Yes, sir. Yes, sir.</p> <p>16 Q All right. Now, you also --</p> <p>17 MR. CHALOS: Okay. If that's not</p> <p>18 moved into evidence, I'd like to move that into</p> <p>19 evidence with this witness.</p> <p>20 MR. WOODWARD: That's CSME 30?</p> <p>21 MR. CHALOS: CSME 7. We'll come</p> <p>22 back to this in a second.</p> <p>23 BY MR. CHALOS:</p> <p>24 Q I'd like to show you what was marked as</p>	<p>1 Exhibit No. 31. It's an exhibit bearing several</p> <p>2 pages.</p> <p>3 And I just ask you, Mr. Manzanilla,</p> <p>4 are these photocopies of some of the certificates you</p> <p>5 received for the training courses you had attended</p> <p>6 before joining the Irene E.M.?</p> <p>7 A Yes, sir.</p> <p>8 Q Okay. Now, you also attended classes</p> <p>9 about MARPOL before you got on board the ship; right?</p> <p>10 A Yes, sir.</p> <p>11 Q And you knew that it's illegal to</p> <p>12 discharge oil or oily wastes overboard before you got</p> <p>13 hired by the company to work on the Irene; right?</p> <p>14 A Yes, sir.</p> <p>15 Q And you also learned that at the training</p> <p>16 seminar you went to for the company in the</p> <p>17 Philippines; right?</p> <p>18 A Yes, sir.</p> <p>19 MR. CHALOS: Okay. I'd like to</p> <p>20 move into evidence Exhibit No. 31.</p> <p>21 MR. PHILLIPS: No objection.</p> <p>22 (Document marked CSME Exhibit 31</p> <p>23 moved into evidence.)</p> <p>24 BY MR. CHALOS:</p>
Page 27	Page 29
<p>1 Defendants'-- CSME Defendants' Deposition Exhibit 30.</p> <p>2 For the record, I'll make a representation that it's</p> <p>3 a two-page document.</p> <p>4 Mr. Manzanilla, that document</p> <p>5 contains a photocopy of the first page of your</p> <p>6 passport; right?</p> <p>7 A Yes.</p> <p>8 Q And also the first page of your seaman's</p> <p>9 book; right?</p> <p>10 A Yeah.</p> <p>11 Q And that's you on there?</p> <p>12 A Yeah.</p> <p>13 Q And that is your photograph?</p> <p>14 A Yes, sir.</p> <p>15 Q With a different hair style?</p> <p>16 A Yes, sir. Long hair.</p> <p>17 MR. CHALOS: Okay. Now, I'd like</p> <p>18 to move that into evidence.</p> <p>19 MR. PHILLIPS: No objection.</p> <p>20 (Document marked CSME Exhibit 30</p> <p>21 moved into evidence.)</p> <p>22 BY MR. CHALOS:</p> <p>23 Q Mr. Manzanilla, I'd like to ask you to</p> <p>24 take a look at what we've marked CSME Defendants'</p>	<p>1 Q Okay. Now, Mr. Manzanilla, you've been</p> <p>2 going to sea for how many years?</p> <p>3 A Eight years.</p> <p>4 Q And how many ships had you worked on?</p> <p>5 A About eight, sir.</p> <p>6 Q Okay. So based on your experience, you</p> <p>7 would agree with me that the company who owned and</p> <p>8 the company that managed the Irene E.M. were serious</p> <p>9 companies; right?</p> <p>10 MR. PHILLIPS: Objection; vague.</p> <p>11 THE WITNESS: Yes, sir.</p> <p>12 BY MR. CHALOS:</p> <p>13 Q And in fact, before you were even</p> <p>14 permitted to go on board to start work, the company</p> <p>15 required you to go for some examinations to make sure</p> <p>16 that you were both physically and mentally fit to do</p> <p>17 the job; right?</p> <p>18 A Yes, sir.</p> <p>19 Q And I'm going to show you what we've</p> <p>20 premarked as CSME Defendants' Exhibit No. 32, and ask</p> <p>21 you to take a look at that.</p> <p>22 A Yes, sir, these are medicals.</p> <p>23 Yes, sir, these are medicals, sir.</p> <p>24 Q Okay. So Mr. Manzanilla, these are some</p>



9 (Pages 30 to 33)

Page 30	Page 32
<p>1 of the test results and the reports following your 2 prejoining examinations? 3 A Yes, sir. 4 MR. CHALOS: Okay. I'd like to 5 move that into evidence. 6 MR. PHILLIPS: No objection. 7 MR. CHALOS: And also ask for our 8 court reporter to fix the exhibit. 9 (Document marked CSME Exhibit 32 10 moved into evidence.) 11 BY MR. CHALOS: 12 Q Now, I'd like to talk a little bit about 13 what you do on board the ship, Mr. Manzanilla. 14 You're not a licensed engineer; 15 right? 16 A No, sir. 17 Q You don't hold a license as an engineer? 18 A No, sir. I'm just an oiler and a wiper. 19 Q Okay. And on board the Irene E.M., you 20 weren't working as an oiler; right? 21 A No, I'm a wiper. 22 Q Okay. So when you were on the Irene 23 E.M., you were hired to work as a wiper; right? 24 A Yes, sir.</p>	<p>1 Mr. Manzanilla, you would agree 2 with me that you don't have any responsibility to 3 maintain the oily water separator? 4 A No, sir. 5 Q So that means you agree with me, yes? 6 A Yes, sir. 7 Q It's also a correct statement that you 8 don't have any responsibility to repair the oily 9 water separator? 10 A Yes, sir. 11 Q You don't make the decision to use the 12 oily water separator if it's being used, do you? 13 A No, sir. 14 Q And you don't make the decision not to 15 use it if the chief engineer decides not to use it; 16 correct? 17 A Yes, sir. 18 Q So all questions Mr. Phillips asked you 19 about the oily water separator, you would agree, were 20 questions about a piece of equipment that you don't 21 have any reason to operate, no reason to maintain, no 22 reason to repair, and no reason to ever use; right? 23 A Yes, sir. 24 Q So everything you know about the oily</p>
Page 31	Page 33
<p>1 Q And is it fair to say that a wiper is the 2 lowest-ranking member of the engine room team? 3 A Yes, sir. 4 Q Now, let's talk about the oily water 5 separator. 6 The oily water separator is 7 operated by the engineers; right? 8 A Yes, sir. 9 Q You don't operate the oily water 10 separator? 11 A No, sir. I'm only an oiler. Only the 12 oiler uses it. 13 Q Okay. So that the answer is clear, you 14 would agree with me that you don't operate the oily 15 water separator? 16 A No, sir. 17 Q And you don't have any responsibility to 18 maintain the oily water separator, do you? 19 A No, sir. Just the main engine is what 20 I'm entail. 21 Q Mr. Manzanilla, yes or no: You don't 22 have any -- 23 A No, sir. No, sir. 24 Q Okay. Let me finish my question.</p>	<p>1 water separator is based on something someone else 2 told you; right? 3 A Yes, sir. 4 Q Okay. Now, you also said something about 5 radar. 6 Now, you don't work on the bridge 7 of the ship; right? 8 A Yes, sir. 9 Q "Yes, sir," meaning you agree with me, 10 you don't work on the bridge? 11 A Yes, sir. 12 Q Yes, sir, you agree with me; or yes, sir, 13 you work on the bridge? I'm not sure I understand. 14 A I'm not working on the bridge. 15 Q Okay, Mr. Manzanilla. There's no radars 16 in the engine room, are there? 17 A No, sir. 18 Q So anything that you know about the radar 19 or anything you told us about the radar is based on 20 something that someone else told you; right? 21 A Yes, sir. 22 Q Okay. Let's talk about Chief Engineer 23 Tomondong. 24 A Yes, sir.</p>

10 (Pages 34 to 37)

Page 34

1 Q Now, you would agree with me that Chief  
2 Engineer Tomondong never ordered you to discharge  
3 anything overboard?

4 A No, sir.

5 Q So when you say "no, sir," you agree that  
6 Chief Engineer Tomondong never -- strike that. Let  
7 me rephrase my question. I stumbled on my words.

8 You would agree with me, right,  
9 that Chief Engineer Tomondong never ordered you to  
10 discharge anything overboard?

11 A No, sir.

12 Q When you say "no, sir," are you agreeing  
13 with me?

14 A Yes, sir.

15 Q Okay. By the way, in addition to the  
16 training that you took at the crewing agent and the  
17 other training classes that you had, you also went to  
18 a maritime school in the Philippines; right?

19 A Yes, sir.

20 Q And at that maritime school, you also  
21 learned about pollution prevention?

22 A Yes, sir.

23 Q All right. Now, you also learned, did  
24 you not, that it was illegal to discharge oil or oily

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1 wastes overboard; right?

2 A Yes, sir.

3 Q And you also learned that if you observed  
4 any oil or oily wastes being discharged overboard,  
5 that you were supposed to report that to the captain  
6 or to the owner of the ship; right?

7 A Yes, sir.

8 Q All right. Now, all the stuff you told  
9 us about chief -- that happened when Chief Engineer  
10 Tomondong was on board, you never reported that to  
11 the captain of the ship, did you?

12 A No, sir. He himself, he didn't report  
13 it. He knows that it's wrong.

14 Q Mr. Manzanilla, I'm asking you what you  
15 did. We'll talk to the other guys at another time.

16 Okay. You personally never  
17 reported it to Chian Spirit; right?

18 A No, sir. I don't know what to do, sir.

19 Q And just so I'm clear, you also never  
20 made a report to Venetico Marine, the owner of the  
21 ship, did you?

22 A No, sir. And I don't know who they are.

23 Q Okay. Now, let me see if I understand a  
24 couple of the things right.

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1 You told us before that in the  
2 engine room, if you start on the bottom, there's the  
3 wipers; right?

4 A Yes, sir.

5 Q And then the next promotion would be to  
6 oiler?

7 A Yes, sir.

8 Q And then the next promotion would be to  
9 engineer?

10 A Yes, sir.

11 Q And then the boss of the engine room is  
12 the chief engineer; right?

13 A Yes, sir.

14 Q And the boss of the ship is the captain;  
15 right?

16 A Yes, sir.

17 Q All right. Now, in all the time that you  
18 were on board the ship, you never reported any MARPOL  
19 violations to the captain; right?

20 A No, sir.

21 Q And now you never reported any MARPOL  
22 violations to the chief engineer?

23 A No, sir.

24 Q And you never reported any MARPOL

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1 violations to either the management company or the  
2 company that owns the ship; right?

3 A No, sir.

4 Q And now you yourself, in all the time  
5 that you were on board the ship, never turned on the  
6 pumps to pump anything overboard; right?

7 A No, sir.

8 Q Okay. Now, you yourself never turned off  
9 the pumps?

10 A No, sir.

11 Q Now, the whole time you were on board the  
12 ship, the captain never asked you to set up a magic  
13 pipe; right?

14 A No, sir.

15 Q And the companies, meaning the management  
16 company and the owning company, never asked you to  
17 set up a magic pipe?

18 A No, sir.

19 Q Okay. And Chief Engineer Dragomir never  
20 asked you to set up a magic pipe; right?

21 A No, sir.

22 Q And Second Engineer Villano, you know  
23 him; right?

24 A Yes, sir.

11 (Pages 38 to 41)

Page 38	Page 40
<p>1 Q Okay. He never asked you to set up a 2 magic pipe? 3 A No, sir. 4 Q In fact, no one asked you to set up the 5 magic pipe between Brazil and the United States. 6 A No, sir. 7 Q And in fact, the truth is, between Brazil 8 and the United States, you never saw anybody 9 discharging anything overboard, did you? 10 A Yes, sir. 11 Q So let me see if I'm clear. 12 Between Brazil and the United 13 States, you never saw anything with your own eyes 14 being discharged overboard. 15 A That's what I remember, that I didn't see 16 anything. 17 Q Okay. Now, in fact, Mr. Manzanilla, just 18 so we're clear, no one has ever asked you to hide 19 anything from the Government or the Coast Guard, 20 right? 21 A No, sir. No, sir. 22 Q Not the chief engineer, Mr. Dragomir? 23 A No, sir. 24 Q Not the captain of the ship?</p>	<p>1 companies didn't tell you to lie either; right? 2 MR. PHILLIPS: Objection; asked and 3 answered. 4 THE WITNESS: No, sir. 5 BY MR. CHALOS: 6 Q Okay. Now, even though you didn't talk 7 to the Coast Guard when they came on board, they 8 asked you to write a statement; right? 9 A Yes, sir. 10 Q And you did that? 11 A Yes, sir. 12 Q And when you wrote it, it was the truth; 13 right? 14 A Yes, sir. 15 Q Okay. And at the time wrote it, this guy 16 Christos wasn't even on board the ship yet; right? 17 A No, sir, not yet. 18 Q Okay. Is it fair to say that when the 19 Coast Guard asked you to write a statement, that no 20 one had told you to lie to them? 21 A No, sir. 22 Q So you agree with me? 23 A Yes, sir. 24 Q Okay. So just so I'm clear about when</p>
Page 39	Page 41
<p>1 A No, sir. 2 Q Not the company? 3 A The superintendent only. 4 Q Okay. Now, the superintendent, he didn't 5 ask you to hide anything, did he? What he asked was 6 if you could retract the statement you made; right? 7 A Yes, that's right, sir. 8 Q So he didn't ask you to hide anything? 9 A No, sir. 10 Q Okay. Now, you also saw a man on board 11 named Mr. Madias; right? 12 A Yes, sir. 13 Q Now, Mr. Madias never asked you to hide 14 anything; right? 15 A No, sir. 16 Q And he never asked you to lie? 17 A No, sir. 18 Q And in fact, the captain never asked you 19 to lie either? 20 A No, sir. 21 Q Okay. And Chief Engineer Dragomir never 22 asked you to lie. 23 A No, sir. 24 Q And you told us earlier today the</p>	<p>1 this discussion took place in the mess room, you had 2 already given your statement to the Coast Guard; 3 right? 4 A Let me try to remember that. 5 I believe I had already given it. 6 Q Okay. And then Mr. Christos asked if you 7 could retract the statement; right? 8 A Yes. 9 Q And you said that you couldn't, because 10 you had already told him the truth and given him your 11 statement; right? 12 A Yes, sir. 13 Q Okay. And you never lied to the Coast 14 Guard? 15 A No, sir. 16 MR. CHALOS: Okay. One second, 17 Mr. Manzanilla. 18 Okay. Nothing further. 19 MR. WOODWARD: I have no questions. 20 REDIRECT EXAMINATION 21 BY MR. PHILLIPS: 22 Q Mr. Manzanilla, when you were -- when I 23 was asking you questions, and you said that you had 24 saw three overboard discharges from Brazil to the</p>

12 (Pages 42 to 45)

Page 42	Page 44
<p>1 United States, is that still your testimony? 2 A That's what I remember, sir. 3 Q Okay. Now, going back to your employment 4 contract, how much money does a wiper earn on the 5 Irene? 6 A 230 only, sir. 7 Q Per year? Per month? 8 A A month. 9 Q Now, you testified, in response to 10 Mr. Chalos' questions that this was a serious 11 company. But specifically, were they serious about 12 preventing pollution? 13 MR. WOODWARD: Objection -- 14 MR. CHALOS: Objection. 15 MR. WOODWARD: -- speculation. 16 THE WITNESS: I don't know, sir. 17 BY MR. PHILLIPS: 18 Q You testified that the Irene never had an 19 oily water separator that worked? 20 MR. CHALOS: Objection. 21 THE WITNESS: Yes, sir. 22 BY MR. PHILLIPS: 23 Q Now, you also testified that you were 24 trained on pollution prevention and how to observe</p>	<p>1 MR. WOODWARD: Objection; goes 2 beyond the scope of direct. 3 MR. CHALOS: And cross. 4 MR. WOODWARD: Introducing an 5 entirely new line of questioning. 6 BY MR. PHILLIPS: 7 Q Go ahead and answer. 8 A I don't remember, sir. 9 Q So you don't remember if he changed the 10 way -- 11 A That I don't remember, sir. 12 Q Did they still use the magic pipe when 13 Chief Dragomir was on board? 14 MR. WOODWARD: Objection, goes 15 beyond direct and cross. 16 MR. CHALOS: And he testified he 17 doesn't even work there. 18 THE WITNESS: They were still using 19 it. 20 MR. PHILLIPS: Okay. 21 MR. CHALOS: That doesn't come in. 22 MR. PHILLIPS: For the record, 23 Mr. Chalos asked several questions about all the 24 engineers, the chief engineers, and whether they made</p>
Page 43	Page 45
<p>1 oily waste going overboard. 2 MR. CHALOS: Objection. That 3 wasn't his testimony. 4 MR. PHILLIPS: That was his 5 testimony -- that was your question. 6 BY MR. PHILLIPS: 7 Q Now -- 8 THE COURT REPORTER: What was the 9 answer? 10 THE INTERPRETER: He hasn't 11 answered. 12 "Yes, sir." Yes, sir, is the 13 answer. 14 BY MR. PHILLIPS: 15 Q Now, can you tell when an oily water 16 separator is working? 17 MR. CHALOS: Objection. 18 MR. WOODWARD: No foundation. 19 THE WITNESS: It was not working. 20 Since I boarded the ship, it had not been working. 21 They just use it as an exhibit. 22 BY MR. PHILLIPS: 23 Q Now, when Chief Dragomir came on board, 24 did he change the way oily waste was handled?</p>	<p>1 orders for overboard discharges. That's what this 2 question relates to. 3 MR. CHALOS: Anything else? 4 MR. PHILLIPS: No further from me. 5 Thank you. 6 RECROSS-EXAMINATION 7 BY MR. CHALOS: 8 Q Mr. Manzanilla, you told me that you 9 yourself never saw any overboard discharges, and 10 that's the truth; right? 11 A Yes, sir. 12 Q So when Mr. Phillips force-feeds you -- 13 MR. PHILLIPS: Objection. This 14 is -- 15 MR. CHALOS: Okay. I'll rephrase. 16 THE WITNESS: The only thing that I 17 remember is that this equipment was attached. 18 BY MR. CHALOS: 19 Q Okay. So really the answer is that you 20 never saw any overboard discharges between Brazil and 21 the United States with your own eyes? 22 A I don't really remember exactly, because, 23 you know, this has happened a lot, coming from Africa 24 going to the United States. It was many times.</p>



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1 Q Okay. Now, you're not authorized or  
2 qualified to report on the condition of the oily  
3 water separator to the company, are you?  
4 A No, sir. Yes, sir. No, sir.  
5 Q Okay. So the answer to that would be no,  
6 you're not authorized or qualified; right?  
7 A Yes, sir.  
8 Q You agree with me?  
9 A Yes, sir.  
10 Q Okay. Now, and Mr. Phillips asked you  
11 about if you knew how oily wastes were handled on  
12 board. Do you remember that?  
13 A Yes, sir.  
14 Q You do know that there were internal  
15 transfers from the bilge wells to the bilge holding  
16 tank; right?  
17 A Yes, sir.  
18 Q And you also know that the bilge holding  
19 tank was really big?  
20 A Yes, sir.  
21 Q In fact, the biggest one you've ever seen  
22 on any of the ships you've ever sailed on?  
23 A Yes, sir.  
24 Q More than 106 cubic meters, right, were

1 BY MR. WOODWARD:  
2 Q Between Africa and Brazil, when you were  
3 asked the question by Mr. Phillips about magic pipe  
4 you said, quote, "they" used it.  
5 A Yes, sir.  
6 Q You don't know who that was, do you?  
7 A The former crew. They've already gone  
8 home.  
9 Q Mr. Dragomir never used it, did he?  
10 A In Africa he was just new, so he hadn't  
11 made his orders, yet.  
12 MR. WOODWARD: Thank you. No  
13 further questions.  
14 FURTHER REDIRECT EXAMINATION  
15 BY MR. PHILLIPS:  
16 Q Mr. Manzanilla, how many times did the  
17 Irene discharge oily waste to port?  
18 A Only one time in Poland.  
19 Q That's during your entire time on the  
20 ship?  
21 A Yes, only once.  
22 Q Okay.  
23 A Because we were there for a long time.  
24 We were there for one month, and then after that, the

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1 the capacity?  
2 A Yes, sir.  
3 Q And that tank never filled up while you  
4 were on board, did it?  
5 A We were there in Poland, and -- what kind  
6 of tanks are we talking about now?  
7 Q You remember in Poland that oily wastes  
8 were discharged to a shore facility; right?  
9 A Because there's a lot of tanks, you know.  
10 There's a bilge tank, a sludge tank, a bilge well.  
11 Q So my question is, you remember that oily  
12 wastes were put ashore to a shore-side facility in  
13 Poland; right?  
14 A In Poland, the sludge tank, yes. But  
15 they put it on shore in Poland through a suction.  
16 Q Okay. And that was -- that discharge  
17 went from the ship to a shore facility; right?  
18 A Yes, sir.  
19 Q And it didn't go to the sea?  
20 A No, sir.  
21 MR. CHALOS: Okay. Nothing  
22 further. Thank you.  
23 RECROSS-EXAMINATION  
24

1 sludge tank got filled.  
2 Q Okay. Were Chief Engineer Dragomir and  
3 Chief Tomondong on the ship at the same time?  
4 A No, because he joined us in Africa. Our  
5 chief engineer in Poland was Tomondong.  
6 Q Who was giving orders from Africa to  
7 Brazil?  
8 MR. WOODWARD: I'm going to object  
9 to the form of the question.  
10 THE WITNESS: I remember that in  
11 Africa it was still Tomondong.  
12 BY MR. CHALOS:  
13 Q In Africa. What about in the ocean from  
14 Africa to Brazil?  
15 A I believe it was the second engineer that  
16 was making orders then; or maybe it's coming from the  
17 chief engineer.  
18 Q Do you know?  
19 A I believe that it was done that way. I'm  
20 just not sure.  
21 MR. PHILLIPS: Okay. No further  
22 questions.  
23 MR. CHALOS: Nothing further.  
24 MR. WOODWARD: Nothing further.

14 (Pages 50 to 52)

<p style="text-align: right;">Page 50</p> <p>1 THE VIDEOGRAPHER: Off the record 2 at 4:30. 3 (Signature having been waived, the 4 deposition of MARIO MANZANILLA was 5 concluded at 4:30 p.m.) 6 7 8 9 INDEX 10 WITNESS: PAGE 11 MARIO MANZANILLA 12 Mr. Phillips 4 13 Mr. Chalos 22 14 Mr. Phillips 41 15 Mr. Manzanilla 45 16 Mr. Woodward 48 17 Mr. Phillips 48 18 19 20 21 22 23 24</p>	<p style="text-align: right;">52</p> <p>1 CERTIFICATE OF SHORTHAND REPORTER 2 3 I, Gail Inghram Verbano, CSR, RMR, 4 the officer before whom the foregoing proceedings 5 were taken, do hereby certify that the foregoing 6 transcript is a true and correct record of the 7 proceedings; that said proceedings were taken by me 8 stenographically and thereafter reduced to 9 typewriting under my supervision; and that I am 10 neither counsel for, related to, nor employed by any 11 of the parties to this case and have no interest, 12 financial or otherwise, in its outcome. 13 14 15 16 17 Gail Inghram Verbano, CSR, RMR 18 CSR No. 8635 19 Certification No.: 220 20 (Expires 1-31-2008) 21 22 23 24</p>
<p style="text-align: right;">Page 51</p> <p>1 EXHIBITS 2 3 EXHIBITS MARKED FOR IDENTIFICATION 4 CSME DESCRIPTION PAGE 5 29 Documents relating to employment 23 6 of Mr. Manzanilla 7 8 30 Photocopy of seaman's book and 23 9 passport of Mr. Manzanilla 10 31 Certificates related to 23 11 Mr. Manzanilla's training 12 13 32 Physical and mental test results 23 14 for Mr. Manzanilla 15 16 EXHIBITS MOVED INTO EVIDENCE 17 CSMR Exhibit No. PAGE 18 29 25 19 30 27 20 31 28 21 32 30 22 23 24</p>	